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BIAGINI, CHRISTOPHER D	
ART UNIT	**PAPER NUMBER**
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/635,586	GILBERT ET AL.	
	Examiner	Art Unit	
	Christopher D. Biagini	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/6/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In response to the argument that the Examiner has improperly failed to consider the compliant citations in the IDS filed August 6, 2003, the Examiner has reviewed the cited section of the MPEP and agrees with Applicant's position. Accordingly, the Examiner will provide an appropriately initialed copy of the PTO-1449 form indicating consideration of the *properly cited* prior art. The Examiner notes, however, that the citation for the reference *Simplifying Network Administration using Policy based Management* remains non-compliant. Specifically, the citation lacks page numbers and, more importantly, a date of publication. Additionally, the citation for "Autonomic Computing: IBM's Perspective on the State of Information Technology" also lacks a date of publication. See MPEP §609.

2. In response to the argument with respect to the objection to the specification, the argument is persuasive and the objection is withdrawn.

3. In response to the argument with respect to the rejection of claims 9 and 10 under 35 USC §101, the Examiner respectfully submits that Applicant has misunderstood the basis for the rejection. Claim 9 recites three elements: an "administration policy," a "policy evaluation component," and an "exit routine." The terms "policy" and "routine" cannot reasonably be interpreted to require physical structure. In interpreting the term "component," the Examiner turned to Applicant's specification for guidance. Paragraph [0017] states that the definition of "components" includes

"software resources." Therefore, the "policy evaluation component," too, may be reasonably interpreted as not requiring physical structure. Finally, the presence of the term "system" in the preamble does not, without more, preclude the claim from being directed entirely towards software. However, on page 5 of Applicant's response, Applicant submitted that "the system must include and/or be coupled to physical components (i.e., hardware) to be functional." In light of these remarks now of record, claims 9 and 10 will be construed to require hardware components. Accordingly, the rejections under 35 USC §101 are withdrawn.

4. In response to the argument with respect to the rejection of claims 6 and 16 under the second paragraph of 35 USC §112, the argument is persuasive and the rejections are withdrawn. The Examiner notes, however, that the term "autonomic" will be given its broadest reasonable interpretation.

5. Applicant's arguments with respect to the prior art rejections of claims 1-18 have been fully considered but they are not persuasive. Although relevant citations are provided as a guide, the rejections are based on the references as a whole. However, the Examiner will address the specific issues raised by Applicant.

6. In response to the argument that Lortz fails to show "a request to perform an administrative task," Applicant is directed to paragraph [0045], which discusses a "resource request."

7. In response to the argument that Lortz fails to disclose that the "policy" comprises a set of rules for governing the editing, Applicant is directed to paragraph [0021], which

describes that the policy governs whether or not editing is permitted for a particular resource and user.

8. In response to the argument that Lortz fails to teach retrieval of the administration policy "responsive to a request," Applicant is directed to paragraph [0044], which describes that the evaluation procedure, including the retrieval of policy data, occurs "[o]nce the resource device 14 receives the resource request."

9. In response to the arguments that Lortz fails to teach "a set of rules for governing said administrative task" and "permitting the administrative task of editing," the Examiner respectfully disagrees. Access to resources in Lortz are based on the level of permission of the requestor. For example, if a client requests to edit a resource but has only "reviewer" level permission, that request is denied. If a client requests to edit a resource and has "editor" level permission, that request is permitted. See also paragraph [0021].

Information Disclosure Statement

1. The information disclosure statement filed August 6, 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the citation for the reference *Simplifying Network Administration using Policy based Management* lacks a date of publication and a listing of relevant pages. Additionally, the citation for "Autonomic Computing: IBM's Perspective on the State of Information Technology" also lacks a date of publication. The IDS has been placed in the application file, but the aforementioned references have not been considered as to the merits. Applicant is advised that the

date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann et al. (US Pat. No. 6,499,031, hereinafter "Hopmann").

3. As to claims 1 and 11, Lortz shows a systems administration policy enforcement method, and a machine readable storage having stored thereon a program for causing a machine to perform such a method (inherent to any computer-implemented system), comprising:

a. responsive to a request (comprising a "resource request": see Fig. 4C and [0043]) to perform an administrative task (the task comprising "editing": see [0021]) directed to a resource (resource device 14) within a computing network

(network 16), retrieving an administration policy comprising a set of rules for governing said administrative task (the policy comprising policy data and the rules comprising access control entries: see [0019] and [0044]-[0045]); and

b. permitting said administrative task only if a set of rules in said retrieved policy are satisfied (see step 310 in Fig. 4C and [0045]).

4. Lortz does not show retrieving state data for a resource and applying a policy to retrieved state data.

5. Hopmann shows retrieving state data (comprising whether or not a resource is locked) for a resource and applying a policy to retrieved state data (the policy being that a resource is only available if it does not have a lock token: see lines 7-9 of col. 1 and col. 8, line 65 to col. 9, line 2).

6. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz with the evaluation of state data as taught by Hopmann in order to prevent administrative task requests from overwriting one another (see Hopmann, col. 2, lines 14-18).

7. As to claims 2 and 12, Lortz in view of Hopmann shows the limitations of claims 1 and 11 as applied above, and Lortz further shows providing a user interface for establishing said set of rules for said administration policy (see lines 7-10 of [0031]); and storing said administration policy for subsequent retrieval in said retrieving step (see lines 1-5 of [0035]).

8. As to claim 9, Lortz shows a system administration policy enforcement system comprising:

c. an administration policy comprising a set of rules for permitting and disallowing administration of resources in a system hosting a plurality of interdependent resources (the policy comprising policy data and the rules comprising access control entries: see [0019] and [0044]-[0045]);

d. a policy evaluation component configured to determine whether rules in said administration policy are satisfied (comprising the component which determines whether or not to grant a client access, as described in [0045]); and

e. an exit routine coupled to a resource in said network, said exit routine having logic for forwarding requests to administer said resource to said policy evaluation component (the exit routine comprising the component which receives the resource request and initiates the evaluation process: see [0044]).

9. Lortz does not show the policy evaluation component configured to retrieve resource state data and determine whether said retrieved resource data satisfies rules in said administration policy.

10. Hopmann shows retrieving resource state data (comprising whether or not a resource is locked) and determining whether said retrieved resource state data satisfies rules in an administration policy (the policy being that a resource is only available if it does not have a lock token: see lines 7-9 of col. 1 and col. 8, line 65 to col. 9, line 2).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz with the evaluation of state data as taught by

Hopmann in order to prevent administrative task requests from overwriting one another (see Hopmann, col. 2, lines 14-18).

12. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Bell et al. (US Pat. No. 6,880,005, hereinafter "Bell").

13. Lortz in view of Hopmann shows the limitations of claim 1 as applied above, and additionally shows permitting an administrative task only if information satisfies a set of rules in a retrieved policy (see Lortz, [0045]). Lortz in view of Hopmann does not show retrieving environmental information, or permitting the administrative task where the information is environmental information.

14. Bell shows retrieving environmental information for a computing network (the information comprising the current weekday, and the retrieving being inherent to evaluating a policy which dictates that information can only be accessed during specified days of the week: see col. 3, lines 27-30 and col. 2, lines 16-20). Bell further shows permitting an administrative task only if the environmental data satisfies a set of rules in a policy (see col. 3, lines 27-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the invention of Lortz in view of Hopmann with the environmental data and policy evaluation of Bell in order to ensure that administrative tasks are allowed to occur only during specified times.

15. Claims 4-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Burns et al. (US PGPUB 2003/0014644, hereinafter "Burns").

16. As to claims 4 and 14, Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied above, and show retrieving state data for said resource as applied above, but do not show retrieving state data for other related resources in said computing network.

17. Burns shows retrieving state data for other related resources in a computing network (see [0038]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz in view of Hopmann with the state retrieval of Burns in order to ensure that all the relevant network policies are upheld (see Burns, lines 9-13 of [0038]).

18. As to claims 5 and 15, Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied above, and further show disallowing said administrative task if said further retrieved state data fails to satisfy said set of rules in said retrieved policy (see step 310 of Lurtz), but do not show identifying a related resource having a related resource state giving rise to said state data for said resource failing to satisfy said set of rules in said retrieved policy; requesting remediation of said related resource state so that said related resource state satisfies said set of rules in said retrieved policy; and

further permitting said administrative task subsequent to a remediation of said related resource state.

19. Burns shows identifying a related resource having a related resource state giving rise to state data for a resource failing to satisfy a set of rules in a retrieved policy (see lines 1-9 of [0039] and lines 6-10 of [0044]); and requesting remediation of said related resource state so that said related resource state satisfies said set of rules in said retrieved policy (see [0044]-[0045]). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the invention of Lortz in view of Hopmann with the identification and remediation system of Burns in order to ensure security policies are upheld even when the state of the network and its components change (see Burns, [0011]).

20. It is noted that the method of Lortz in view of Hopmann and Burns would permit said administrative task subsequent to a remediation of said related resource state, as the system would have no reason to disallow the task if the related resource state were remediated.

21. As to claims 6 and 16, it is noted that the steps of disallowing, identifying, requesting, and further permitting are performed autonomically; that is, without the invention of a human operator.

22. As to claims 7 and 17, it is noted that the steps of disallowing, identifying, requesting, and further permitting as applied above are performed recursively for each

related resource whose state gives rise to a failure of said resource to satisfy said retrieved policy (see Burns, [0045]).

23. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Hall (US Pat. No. 5,930,479).

24. Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied above, and further show inserting an exit routine in an administrative interface of said resource (the exit routine comprising the component which receives the resource request and initiates the evaluation process, and the administrative interface being the necessary interface through which the client requests the resource: see [0044]), said exit routine having a configuration for forwarding requests to administer said resource to a policy evaluation component programmed to perform said steps of retrieving, further retrieving, applying, permitting (the forwarding being necessary to initiate the request to the policy manager and evaluate the received policy data: see [0044]-[0045]), but do not show that the administrative interface is an administrative console.

25. Hall shows an administrative interface comprising an administrative console (see Fig. 11 and lines 39-58 of col. 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz in view of Hopmann with the administrative console of Hall in order to provide a familiar interface through which clients may make task requests (see lines 53-56 of col. 16).

26. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Krumel (US PGPUB 2002/0083331).

27. Lortz in view of Hopmann show the limitations of claim 9 as applied above, but do not show a rules engine coupled to said policy evaluation component and configured to retrieve said set of rules on behalf of said policy evaluation component. Krumel shows a rules engine configured to retrieve rules (see lines 5-8 of [0096]). It would have been obvious to one of ordinary skill in the art to modify the invention of Lortz in view of Hopmann with the rules engine of Krumel in order to speed development by using pre-existing software products to perform the rule retrieval. See also paragraph [0023] of applicant's specification, which explains that rules engines are well-known in the art.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on M-R 7:30-5, 7:30-4 alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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